

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JIMMY GREEN,

Plaintiff,

Case No. 05-CV-71093-DT

v.

HONORABLE DENISE PAGE HOOD

MATTHEW E. ALLEN and  
INKSTER POLICE DEPARTMENT,

Defendants.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION  
AND  
DISMISSING INKSTER POLICE DEPARTMENT ONLY**

This matter is before the Court on Magistrate Judge Donald A. Scheer's Report and Recommendation dated July 8, 2005. To date, no Objections have been filed to the Report and Recommendation.

The Court has had an opportunity to review the Report and Recommendation and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that the Inkster Police Department must be dismissed. The Court also notes that a municipal police department is not a legal entity capable of being sued. *Matthews v. Jones*, 35 F.3d 1046 (6th Cir. 1994); *Haverstick Enterprises, Inc. v. Financial Federal Credit, Inc.*, 32 F.3d 989 (6th Cir. 1994). The Court further agrees that default judgment against Defendant Matthew Allen is premature. The Court also agrees that the Plaintiff's Motion for Criminal Complaint is without merit.

Accordingly,

IT IS ORDERED that Magistrate Judge Scheer's Report and Recommendation dated July 8, 2005 is ACCEPTED and ADOPTED, in addition to the reasons set forth above.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment as to Matthew Allen (**Docket No. 7, filed May 26, 2005**) is DENIED without prejudice.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (**Docket No. 9, filed April 15, 2005**) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for a Criminal Complaint (**Docket No. 11, filed June 16, 2005**) is DENIED.

IT IS FURTHER ORDERED Defendant's Motion to Compel (**Docket No. 12, filed June 20, 2005**) is MOOT.

IT IS FURTHER ORDERED that Defendant Inkster Police Department's Counter-Motion for Summary Judgment (**Docket No. 13, filed June 22, 2005**) is GRANTED.

IT IS FURTHER ORDERED that Defendant Inkster Police Department only is DISMISSED with prejudice. Matthew Allen remains as a Defendant.

DATED: August 2, 2005

s/ DENISE PAGE HOOD  
DENISE PAGE HOOD  
United States District Judge